

REMARKS

Claims 1-11, 20, 21, and 40-43 would remain in the case upon entry of this response, of which only claim 1, 11, 20, 21, and 40 are independent claims. Each of the independent claims has been amended and conforming or clarifying amendments have been made in some of the dependent claims.

In a telephone interview on March 2, 2011 that Examiner Eisman granted to the applicant and his undersigned representative, the main issue discussed was the difference between the screening test invention claimed in this application and the applicant's prior invention regarding threshold hearing tests. The applicant explained scientific and practical basis for the difference between these two types of tests, and proposed to further clarify this difference in each independent claim.

Specific language clarifying claim 1 was discussed at the interview, and the Examiner was understood to indicate that (i) this clarifying language would distinguish patentably over the prior art of record but (ii) an additional search may or will be required, in which case an RCE would be need to be filed in order to enter the amendment. It was agreed to similarly clarify the remaining independent claims. This amendment carries out the agreement that is believed to have been reached at the interview and makes certain additional, self-explanatory conforming or clarifying changes.

Support for this language is found in the application in many places, for example, in paragraph [0005]. There are two main types of tests that may be implemented by an audiologist: screening tests and threshold tests. These tests can be carried out for either frequency-specific stimuli, or for non-frequency specific stimuli. For example, current universal newborn hearing

screening (UNHS) tests are done using non-frequency-specific click stimuli which contain energy at many frequencies. These tests indicate whether or not an infant has a minimal acceptable level of hearing and usually provide a simple pass/fail result. In the case where an individual fails a screening test (hearing thresholds are elevated), a threshold test can provide a further assessment of auditory abilities. In a threshold test, an individual's hearing is tested at successive intensity levels in order to determine the thresholds of a patient (i.e., the minimum level at which a patient can hear a sound). There is a need for objective frequency-specific threshold tests that can be performed relatively quickly since conventional objective hearing threshold tests typically require on the order of 30-40 minutes for obtaining a hearing threshold at multiple frequencies. This amount of time prevents the test from becoming clinically feasible in some cases because, for example, a sleeping infant may wake up and start crying, which can make testing impossible.

While the Examiner indicated that entry of an amendment with the agreed claim clarifications may require the filing of an RCE, and applicant asked if the Examiner could consider entry of the Rule 312 amendment instead. The Examiner did not commit to do so. It was agreed that applicant will file a Rule 312 amendment and the Examiner will decide whether to enter it or require the filing of an RCE.

Applicant and his representative asked if the Examiner would telephone them if further or different clarifications in the claims may advance the prosecution of this application.

A petition for an extension of time is being filed concurrently herewith. If further fees are required to make this response timely, this paper should be considered to be a petition for considering this response timely, and the Patent Office is hereby authorized to charge any

required fees in connection with this amendment, and to credit any overpayment, to our Deposit Account No. 03-3125.

Respectfully submitted,



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